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ORIGIN ARA-20

INFO OCT-01 ISO-00 COA-02 EB-11 COME-00 INT-08 AGR-20

SCI-06 IO-14 DLOS-06 CG-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 ACDA-19 TRSE-00 OMB-01 /185 R

DRAFTED BY ARA/EP/E:DKGUTHRIE:S/FW-COA:WVAN CAMPEN:AHP

APPROVED BY ARA/LA/EP:RFWEBER

----- 031334

R 191710Z NOV 73

FM SECSTATE WASHDC

TO AMEMBASSY QUITO

INFO AMEMBASSY LIMA

AMCONSUL GUAYAQUIL

C O N F I D E N T I A L STATE 227764

E.O. 11652: GDS

TAGS: EFIS EC

SUBJECT: COMMENTS ON GOE PLANS FOR MANAGING TUNA FISHERY

REF: QUITO 5309 AND 5619

1. FOLLOWING COMMENTS ON PROPOSED NEW ECUADOREAN FISHERIES LAW AND ITS IMPLICATIONS FOR U.S. FISHING INDUSTRY AND FOR POSSIBLE U.S.-ECUADOREAN FISHERIES AGREEMENT MAY BE OF INTEREST TO EMBASSY. WE ARE PLANNING TO SEND TECHNICAL EXPERT TO QUITO TO DISCUSS THESE MATTERS FURTHER DURING WEEK OF DECEMBER 10, AND WILL PROVIDE SPECIFIC TRAVEL INFORMATION IN SUBSEQUENT MESSAGE.

2. GOE'S IDEAS ON TUNA CONSERVATION DO NOT ACCORD WITH RESULTS OF INTENSIVE RESEARCH OVER PERIOD OF MORE THAN TWENTY YEARS CONDUCTED BY STAFF OF INTER-AMERICAN TROPICAL TUNA COMMISSION AND SUPPORTED AND ACCEPTED BY USG. THIS RESEARCH INDICATES THAT SUSTAINABLE ANNUAL YIELD OF YELLOW-FIN TUNA STOCK OF EASTERN PACIFIC IS ABOUT 120,000 SHORT
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TONS. (PRESENT IATTC ANNUAL CATCH QUOTA FOR THIS SPECIES

OF 160,000 TONS IS EXPERIMENT IN DELIBERATE OVERFISHING AND IS STRICTLY TEMPORARY.) OTHER MAJOR SPECIES IN FISHERY --SKIPJACK--IS HELD BY BEST SCIENTIFIC OPINION TO BE UNDER-EXPLOITED AND NOT RPT NOT TO REQUIRE CATCH LIMITATION AT THIS TIME. THUS CATCH QUOTA WHICH LUMPS YELLOWFIN AND SKIPJACK OVERLOOKS IMPORTANT DIFFERENCES IN CONSERVATION REQUIREMENTS FOR THESE TWO SPECIES. SINCE GOE PLAN APPARENTLY HAS NOTHING TO SAY ABOUT PROPORTION OF THESE SPECIES EXPECTED IN PROPOSED 80,000 TON CATCH QUOTA, RESULT COULD CONCEIVABLY BE YELLOWFIN CATCH WITHIN LIMITED AREA OVER WHICH GOE CLAIMS JURISDICTION EQUIVALENT TO NEARLY HALF OF SUSTAINABLE YIELD OF ENTIRE EASTERN PACIFIC STOCK.

3. HOWEVER, IT SHOULD BE NOTED THAT THERE HAS NEVER BEEN ANNUAL CATCH OF YELLOWFIN AND SKIPJACK COMBINED IN GOE CLAIMED WATERS AS HIGH AS 80,000 TONS, EVEN WITH FREE FISHING BY ENTIRE INTERNATIONAL FLEET. IN MANY YEARS CATCH HAS NOT RPT NOT REACHED EVEN 40,000 TONS. THIS RAISES SERIOUS QUESTIONS AS TO HOW GOE WOULD PROPOSE TO IMPLEMENT ITS QUOTA SYSTEM. IF ECUADOREAN FLEET IS TO TAKE ITS 40,000 TONS BEFORE FOREIGN VESSELS ARE TO BE ALLOWED TO FISH, THERE WOULD BE NO RPT NO FOREIGN FISHING IN ABOUT HALF OF YEARS, ACCORDING TO PAST RECORDS.

4. OWING TO MIGRATORY HABITS OF TUNA, IT IS IMPOSSIBLE TO ACHIEVE CONSERVATION OF STOCKS OR FULL UTILIZATION OF AVAILABLE YIELD BY PIECEMEAL MANAGEMENT. ALSO, THERE IS NO SCIENTIFIC BASIS FOR SEPARATION INTO QUOTE COASTAL END QUOTE AND QUOTE DEEPPSEA END QUOTE POPULATIONS.

5. IF GOE WERE TO SUCCEED IN BUILDING UP ECUADOREAN TUNA FLEET AND PROCESSING CAPACITY TO HIGH LEVEL, ECUADOREAN VESSELS WOULD, FOR ECONOMIC OPERATIONS, HAVE TO FISH PART OF TIME IN ALL YEARS AND MOST OF TIME IN SOME YEARS IN WATERS WITHIN 200 MILES OF OTHER COUNTRIES, BECAUSE OF VARIABLE GEOGRAPHICAL PATTERN OF AVAILABILITY OF FISH. IF GOE APPLIES THREATENED EXCLUSIVE LICENSING AND QUOTA MEASURES TO FOREIGN BOATS, HOW CAN IT EXPECT OTHER THAN RECIPROCAL TREATMENT FROM OTHER COASTAL STATES? NOTE THAT 1973 HAS BEEN EXTREMELY SUCCESSFUL YEAR FOR INTERNA-
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TIONAL TUNA FLEET MONITORED BY IATTC, WITH TOTAL CATCH TO DATE OF MORE THAN 160,000 TONS YELLOWFIN IN REGULATED AREA, 44,000 TONS WEST OF REGULATED AREA, PLUS 42,000 TONS OF SKIPJACK AND 10,000 TONS OF BLUEFIN. VESSELS WHICH FISH MAINLY IN EASTERN PACIFIC HAVE ALSO CAUGHT 27,000 TONS YELLOWFIN AND SKIPJACK IN EASTERN TROPICAL ATLANTIC. LITTLE OF THIS TOTAL HAS BEEN CAUGHT WITHIN 200 MILES OF ECUADOR AND EVEN LESS BY ECUADOR-BASED

VESSELS. THUS, DESPITE RECENTLY VIGOROUS ENFORCEMENT OF ITS 200 MILE CLAIM, ECUADOR IS NOT RPT NOT SHARING IN THIS TUNA BONANZA, AND IT IS UNLIKELY THAT FURTHER STRENGTHENING OF RESTRICTIVE MEASURES BACKED UP BY FORCE AND FINES WILL IMPROVE THIS PICTURE. THE MOST EFFECTIVE WAY FOR ECUADOR TO HAVE A TUNA INDUSTRY WOULD BE TO CREATE ATTRACTIVE CONDITIONS, ACQUIRE BOATS, AND TO FISH WHEREVER FISH ARE AVAILABLE.

6. AS PRESENTLY FORMULATED GOE PLAN FOR OPERATORS OF US VESSELS TO ENTER INTO ASSOCIATED STATUS WITH GOE IN WHICH PRIVILEGE OF FISHING IN ECUADOREAN-CLAIMED WATERS WOULD BE PAID FOR BY 25 PERCENT OF CATCH, RAISES QUESTIONS OF ECONOMIC FEASIBILITY. IT SEEMS HIGHLY UNLIKELY THAT TUNA FISHING IS SO PROFITABLE THAT OPERATORS COULD AFFORD TO GIVE ONE-QUARTER OF GROSS PRODUCTION OFF THE TOP, EVEN ON TRIPS WHICH RESULT IN FULL LOADS. IF THIS ARRANGEMENT, OR PAYMENT (WITHOUT REIMBURSEMENT) OF PROJECTED LICENSE FEE SCHEDULE WERE ONLY WAYS TO GAIN PERMISSION TO FISH, IT WOULD SEEM MOST LIKELY THAT US OPERATORS WOULD SIMPLY AVOID FISHING IN ECUADOREAN-CLAIMED WATERS.

7. ANOTHER PROBLEM WOULD BE HOW TO RECONCILE "CONSERVATION" ZONE FOR TUNA OFF ECUADOR WITH IATTC CONSERVATION REGIME WHICH USG HAS SUPPORTED FINANCIALLY AND POLITICALLY SINCE 1950. ACCEPTANCE OF ECUADOREAN ZONE AS REALISTIC AND RESPECTABLE CONSERVATION MEASURE WOULD CONFLICT WITH FUNDAMENTAL RATIONALE OF IATTC, NAMELY THAT CONSERVATION OF TUNAS CANNOT BE EFFECTIVELY ACCOMPLISHED BY UNCOORDINATED MEASURES WITHIN SMALL ARBITRARY NATIONAL ZONES AND THAT FULL AND EFFICIENT UTILIZATION OF TUNA RESOURCES CANNOT BE ACCOMPLISHED WITHOUT FREEDOM FOR FISHERMEN TO GO WHERE TUNA ARE AVAILABLE FOR CAPTURE.

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8. BEARING IN MIND THAT GOE DEVELOPMENT PLANS DEPEND ON ACCESS TO US TUNA MARKET, IT SHOULD BE RECALLED THAT TWO US LAWS AND IMPLEMENTING REGULATIONS PRESENTLY ON BOOKS PROVIDE FOR EMBARGO OF IMPORTS OF TUNA WHICH ARE TAKEN CONTRARY TO INTERNATIONAL CONSERVATION REGIME IN WHICH US PARTICIPATES. THUS, IF ECUADOR SUCCEEDS IN BECOMING SIGNIFICANT POWER IN EASTERN TROPICAL PACIFIC TUNA FISHERY AND OPERATES IN DISREGARD OF IATTC SYSTEM, US MARKET MAY BE CLOSED TO ECUADOREAN TUNA. IF DEVELOPMENT OCCURS AGAINST BACKGROUND OF SEVERE DISCRIMINATION AGAINST US FISHERMEN, IT WILL BE VERY DIFFICULT TO AVOID IMPLEMENTATION OF SUCH EMBARGO. RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, FISHERIES
Control Number: n/a
Copy: SINGLE
Draft Date: 19 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE227764
Document Source: CORE
Document Unique ID: 00
Drafter: COA:VVAN CAMPEN:AHP
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731125/aaaaasap.tel
Line Count: 167
Locator: TEXT ON-LINE
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: QUITO 5309 AND 5619
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 18 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18-Jan-2002 by martinjw>; APPROVED <06 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COMMENTS ON GOE PLANS FOR MANAGING TUNA FISHERY
TAGS: EFIS, EC
To: QUITO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005